

**Memorandum of the Meeting
Regular Study Session/Meeting
Twenty-Seventh Town Council of Highland
Monday, June 22, 2015**

The regular study session of the Twenty-Seventh Town Council of the Town of Highland was convened at the regular place, the Highland Municipal, 3333 Ridge Road, Highland, Indiana, in the plenary meeting chambers on **Monday, June 22, 2015** at the time of 7:10 o'clock p.m.

Silent Roll Call: Councilors Mark A. Herak, Bernie Zemen, and Steve Wagner were present. Councilor Kuiper joined the meeting at 7:46. Councilor Vassar was absent. A quorum was attained. The Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

Also present: Susan Murovic of the Advisory Board of Zoning Appeals; and Randy Bowman, Assistant Inspector for Electrical were present.

Additionally Present: Mr. Vern Sieb, 3024 Lakeside Drive, Highland, Indiana was also present.

General Substance of Matters Discussed or Proposed

1. *NICTD South shore Interlocal Cooperative Agreement.* The Town Council and the Clerk-Treasurer discussed the Interlocal Cooperation Agreement draft that had been prepared and advocated by Congressman Pete Visclosky. The Town Council discussed and reviewed the agreement as drafted and the exhibit listing presumed participants and the percentages to be pledged.

It was noted that the presumed percentage for Highland was 20%. There was a general discussion about reducing that amount for the 30-year agreement. It was further noted that the current Comprehensive Plan for the County Economic Development Income Tax Fund was filed and had a pledge for 2014 not yet paid, in the amount of \$114,884. The current appropriation in the Town's CEDIT Fund is in this amount.

The conversation evinced a desire by some councilors to see the most current list of adopting communities and the percentages at which they adopted the agreement.

Councilor Zemen suggested perhaps another meeting with the Congressman regarding the agreement. The discussion also suggested that the matter could be taken up soon, but noted that Councilor Wagner would be unavailable in July owing to work commitments. If a meeting with the Congressman was determined to be desirable or necessary before final action, it was noted that this would possibly push the consideration of the matter to September.

There was no further discussion but the Clerk-Treasurer indicated that he would try to provide a current list of participating adopting communities and the actual percentages finally agreed upon by each.

2. *Discuss the County Economic Development Income Tax (CEDIT) Capital Improvement Plan (CIP) and options related to it.* The Town Council reviewed the currently filed Capital Improvement Plan as filed by the Town Council President and noted the amounts it dedicated for a period from 2014-2015, for the following matters in the following amounts:

Resurfacing the roads:	\$ 280,213.
Regional transit Contribution for Westlake Extension:	\$ 114,884.
Projects for Improved Environment:	\$ 129,321.
Town Theater Refurbishment:	\$ 50,000.

The discussion included a review of the origin of these projects. It was noted that the amount dedicated for the road resurfacing could be repurposed for the timed pedestrian traffic signs as well as the lighted roadway sign names and way-finding. It was further

noted that to repurpose the resurfacing amounts, it would require the Town Council President as municipal executive to file a revised CIP.

The Town Council and the Clerk-Treasurer discussed the Town Theater refurbishment and its original purpose was to serve as the match to a grant to refurbish the Town Theater sign. The possibility of requiring this to serve as the contribution to support the operations of the Theater once it was under the aegis of the newly formed not-for-profit corporation and its board of directors. The discussion included supporting retaining the amount for the refurbishment of the town theater sign.

3. *Discuss the Road Resurfacing Schedule and financing it.* The discussion regarding the capital improvement plan associated with the CEDIT Fund, led into the financing of the several resurfacing projects identified and affirmed by the Town Council when it passed and adopted Works Board Order No. 2015-12, which listed resurfacing projects for local roads totaling an estimated cost of \$ 1,663,580.

It was noted that some of the resurfacing projects were underway and would be paid from some available local funds, but that these funds were not adequate to support the entire approved program.

It was further noted that after any changes to the CIP to support the acquisition of Timed pedestrian signals and any lighted street signs, there could be some remaining funds for road resurfacing in the CEDIT Fund.

The Town Clerk-Treasurer discussed the use of a public works note as authorized in IC 36-9-25-41. It was noted that the limit on the size of the note was not to exceed \$2 million. The total term could not exceed 10 years, with payments to be due January 1 and July 1. The Town Clerk-Treasurer suggested a term not to exceed four years for the maturities. He further noted that public works note, would allow some streamlining of time.

It was suggested that the steps be taken to ready authorization of the process by the Town Council at its meeting July 13, for a note not to exceed \$1.7 million, to be modified downward if needed, after the Clerk-Treasurer and the Public Works Director confer regarding the total resources available.

4. *Budget Calendar and parameters.* The Town Clerk-Treasurer distributed editions of a revised Budget Calendar sent out by the Indiana Department of Local Government Finance. The Clerk-Treasurer noted that he would be providing a budget timetable and calendar specific to the Town of Highland and its Sanitary District and perhaps its Waterworks Board at a future time.

He further noted that the growth quotient for the operational property tax levies comprising the maximum levy for the Town is 2.5%. This is the lowest it has been since the no growth period the Town experienced before the tax freeze of December 2007 levels was removed by the passage of the County LOIT by the County Council.

The Town Council and the Clerk-Treasurer discussed generally issues for the FY 2016 Budget including possible increases owing to health insurance and the new costs to the Police Department associated with utilities, once the department locates in the newly constructed Police Station, 3315 Ridge Road, Highland.

5. *Colloquy with Vern Sieb, 3024 Lakeside Drive, Highland, regarding his concerns about Prairie Square.* With leave from the Town Council, Mr. Vern Sieb, 3024 Lakeside Drive, Highland, Indiana, was permitted to present his concerns about the Prairie Square Development, located at 2121 45th Avenue, Highland, Indiana, styling itself as an "extended stay motel". It was noted that this development was located on a property zoned B-3 General Business District.

Mr. Sieb stated that he believed that the business was operating in-fact as an “apartment complex”, which he believed was not permitted in the B-3 Zoning. Mr. Sieb referred to several sources related to his belief alleging Prairie Square was not a permissible development as an “extended stay hotel” at its location and some observations regarding his belief that it was not a motel.

He noted that the units had no furniture. He further represented that the shortest term for any stay is 30 days. He further stated his belief that leases are required for tenants who wish to stay. Mr. Sieb still further indicated that he saw that each unit was separately metered for electrical and natural gas service and he stated his belief that each tenant was responsible to pay its own utilities. Mr. Sieb further read from Section 18.45.020(B) of the Highland Municipal Code and stated his belief that the provision prohibited Prairie Square as it is operated. Mr. Sieb also shared a source he described as coming from the American Bar Association defining an extended stay hotel, the definition as read by him, he suggested made the activity of Prairie Square to be something other than an extended stay motel.

It was noted that the Town Attorney offered a legal opinion that the provisions in the Highland Zoning Code actually did not prohibit the operation of Prairie Square as an extended stay hotel.

The Town Clerk-Treasurer indicated that he believed that all the officials were sympathetic to Mr. Sieb’s concerns. The Clerk-Treasurer noted that the portions of the Zoning Code that define terms such as “hotel” or “motel”, and could be found in Section 18.05.080 of the zoning code, present definitions for those terms that do not expressly limit or prohibit the development of an “extended stay hotel” and do not sufficiently define the characteristics of a motel or hotel to permit an argument that suggests that the elements described by Mr. Sieb, that seem atypical of a motel or hotel in common experience, violate the zoning code. It was further noted that Section 18.45.020 (B)(24) expressly listed “Motels and Hotels” as permissible uses in the zoning district that the property of Prairie Square inhabits.

It was noted that the Town Council directed and authorized that a comprehensive review be conducted of the Zoning code to reveal shortcomings in its composition and to recommend changes to prohibit this type of situation in the future.

The discussion also included a suggestion that an other legal opinion be sought regarding the Town’s position and the current zoning code as it pertains to the current situation. The Town Council President thanked Mr. Sieb for sharing his concerns.

6. *Community Events Commission Joint Event with the Main Street Car Show.* The Town Council President reported that the Community Events Commission is exploring the organization of a special event to occur on October 3, 2015 to coincide with the rescheduled Car Show, sponsored by the Main Street Bureau. It was noted that the Community Events Commission was considering hosting a tent for beer sales at Main Square and presenting bands in the gazebo there as components of this event.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, June 22, 2015**, was adjourned at 8:34 o’clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer